

REMARKS

Claims 1, 8-10, 28 and 35 have been amended. No new matter has been added.

Applicants would like to thank Examiner Tucker for indicating that claims 13-27, 29-34 and 36 are allowable and that claims 8-12 contain allowable subject matter.

Rejection under 35 U.S.C. § 112

Claims 28 was rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite, as the ingredients could add up to more than 100%. The rejection of claim 28 has been obviated by appropriate amendment. As amended, claim 28 recites a range of 1-92% by weight for the quaternary ammonium compound, the phosphate ester, the thiocarbonyl compound, and the at least one additive. The amendment to claim 28 is supported by the specification, at least at page 13, Table 1 and at page 18, line 30 through page 19, line 32. Applicants respectfully request that this rejection be withdrawn.

Rejection under 35 U.S.C. § 102

Claims 1-7, 32 and 35 were rejected under 35 U.S.C. § 102(b) over Martin et al. (U.S. Pat. No. 4,339,349). The Office Action asserts that Martin et al. discloses a corrosion inhibitor containing a quaternary amine and a phosphate ester, and that these ingredients are within the scope of formulas (I) and (II), respectively.

The rejection of the claims over Martin et al. has been obviated by appropriate amendment. As amended, independent claims 1 and 35 recite that R⁵ is a polyoxyalkylated branched alcohol. The amendments to the claims are supported by the specification, at least at page 9, line 28 through page 10, line 21; and in Example 6 on pages 22-24. Claims 8-10 have been amended to ensure consistency of claim language with amended claim 1. Martin et al. does not teach or suggest compositions

5
FEB 20 2004
PAT & TRADEMARK

Application No. 09/922,231
Amtd. dated February 17, 2004
Reply to Office Action of October 16, 2003

containing a phosphate ester having an organic substituent that is a polyoxyalkylated branched alcohol. Accordingly amended claims 1 and 35, and claims 2-7 and 32 which depend from claim 1, are not anticipated Martin et al., as the reference does not disclose each and every element of the claims. Applicants respectfully request that this rejection be withdrawn.

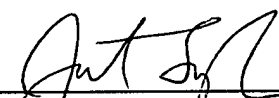
Conclusion

In conclusion, all of the grounds raised in the present Office Action for rejecting the application are believed to be overcome or rendered moot based on the remarks above. Thus, it is respectfully submitted that all of the presently presented claims are in form for allowance, and such action is requested in due course. Should the Examiner feel a discussion would expedite the prosecution of this application, the Examiner is kindly invited to contact the undersigned.

Also submitted at this time is a Petition for Extension of Time for one (1) month.

Respectfully submitted,

2/17/04


Jonathan P. Taylor, Ph.D.
Registration No. 48,338
Agent for Applicant

RECEIVED
MAR 01 2004

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200